

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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November 30, 2004

**FROM: DONNA MANNING, Interim Registrar
Registrar of Voters**

SUBJECT: DECLARATION OF ELECTION RESULTS – NOVEMBER 2, 2004 GENERAL ELECTION

RECOMMENDATION:

1. Adopt resolution declaring the results of November 2, 2004 Presidential General Election for offices and measures under the jurisdiction of the San Bernardino County Board of Supervisors, and declaring elected those candidates with the highest number of votes, and passage or failure of each measure.
2. Adopt resolution declaring the election of qualified candidates to County and Special District offices where there were insufficient candidates to appear on the ballot.

BACKGROUND INFORMATION: California Elections Code section 15372 requires the Registrar of Voters to prepare a certified statement of the results of all contests in San Bernardino County in the November 2, 2004 Presidential General Election and submit it to the Board of Supervisors and the appropriate governing bodies of the jurisdictions participating in the election. The official Statement of Votes Cast was completed and certified on November 29, 2004, and is on file with the Clerk of the Board of Supervisors and the Registrar of Voters.

California Elections Code section 15400 requires that the Board of Supervisors, as a governing body, shall declare elected to each office under its jurisdiction, the person with the highest number of votes for that office. Additionally, Elections Code section 8140 calls for candidates for nonpartisan offices who at a primary election receive the majority of all the ballots cast for that office to be elected to that office. The March 2, 2004 Direct Primary Election ballot included County Board of Supervisor offices (First District and Third District) and the November 2, 2004 Presidential General Election ballot included County Board of Supervisor offices (Fourth District and Fifth District) and self-governed Special District offices (Big Bear Municipal Water District, San Bernardino Valley Municipal Water District, Yucaipa Valley Water District, and San Bernardino Mountains Community Health Care District).

California Elections Code section 15400 further requires that the Board of Supervisors, as a governing body, shall also declare the results of each election under its jurisdiction as to each measure voted on at the election. The November 2, 2004 Presidential General Election ballot included seven measures (Measure C, Copper Mountain Community College District; Measure D, City of Adelanto; Measure E, City of Grand Terrace; Measure F, City of Montclair; Measure G, City of San Bernardino; Measure I, County Local Transportation Improvement; and Measure AA, Beaumont Unified School District).

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California Elections Code section 8203 specifies that the names of unopposed incumbent Superior Court judges shall not appear on the primary or general election ballots unless a write-in candidate has filed. There were 20 unopposed incumbent Superior Court offices and no write-in candidates filed. Pursuant to Elections Code 8203 these Superior Court judges are to be declared reelected by the Registrar of Voters as of the date of the General Election.

REVIEW AND APPROVAL BY OTHERS: This item has been reviewed and approved by the County Administrative Office (Wayne Thies, Administrative Analyst III, 387-5409) November 22, 2004, and the County Counsel's Office (Daniel B. Haueter, Chief Deputy County Counsel, 387-5467) on November 22, 2004.

FINANCIAL IMPACT: There is no financial impact.

SUPERVISORIAL DISTRICT(S): All.

PRESENTER: Donna Manning, Interim Registrar of Voters, 387-2083.